

	JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	AUTHORITY and REFERENCES: 505 KAR 1:130 KRS 15A.0652
CHAPTER: Juvenile Services in Community		
SUBJECT: Drug Screening and Confirmation Testing		
POLICY NUMBER: 608		
TOTAL PAGES: 5		
EFFECTIVE DATE: 1/04/2016		
APPROVAL: Bob D. Hayter		COMMISSIONER

I. POLICY

All probated, committed, and sentenced youth may be subject to drug screenings and confirmation testing as a means to protect the community, assure personal accountability, and assist in developing appropriate services and treatment planning for youth. Drug screening shall be conducted by Community Services staff who are certified by the test kit provider. Confirmation testing shall be provided by an independent laboratory.

II. APPLICABILITY

This policy and procedure shall apply to all community services staff.

III. DEFINITIONS

Refer to Chapter 600

IV. PROCEDURES

- A. Drug screening may be randomly implemented. Selected youth may be screened on the basis of a reasonable and articulable suspicion of use. Youth on conditions of supervision may be court ordered to submit to regularly scheduled drug screens.
- B. Drug screening results may be used in the following ways:
 1. Identify youth who recently used illicit drugs;
 2. Request further alcohol and other drug assessments;
 3. Notify parent or caregiver of a youth's drug involvement;
 4. Develop treatment goals for youth;
 5. Make referrals to appropriate treatment agencies;
 6. Hold youth accountable and apply graduated sanctions for drug usage up to, and including, revocation;
 7. Modify the Conditions of Probation or Supervised Placement; or
 8. Reinforce continued sobriety and abstinence.
- C. Department of Juvenile Justice (DJJ) staff administering drug screens shall have completed appropriate training prior to administering drug screenings.

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- D. Drug screens may be administered to youth who are probated, committed, or sentenced.
- E. Youth in therapeutic foster care or private child care may be screened for drug use. Upon notification of a positive drug screening the Juvenile Service Worker (JSW) shall inform the Juvenile Services District Supervisor (JSDS) or Juvenile Services Regional Manager.
- F. The Department may use a combination of onsite screening and contracted services, as deemed appropriate by the Department.
- G. All drug screen and drug confirmation results shall be entered in the electronic record and documentation maintained in hard copy ICR.
- H. The screening process shall be conducted as follows:
 - 1. Notification:
 - a. Youth shall be informed, in writing, of the purpose of drug screening and the consequences of positive screen results, including: graduated responses, movement to a more restrictive level of supervision, or revocation of probation or supervised placement.
 - b. Youth shall be informed that failure or refusal to cooperate by providing a specimen within a reasonable time period (two (2) hours) is a violation, and may result in a graduated response.
 - 2. Pre-Screen Interview:

In a pre-screen interview, the JSW shall escort the youth to a private office or area where a pre-screen interview shall be conducted by the JSW in order to ascertain and document any recent use of prescription or non-prescription drugs. This information shall be retained in the youth's hard copy Individual Client Record (ICR) and, if applicable, forwarded to contracted services as deemed appropriate.
 - 3. Privacy during screening:
 - a. If there is no cause for a witnessed urine collection, a youth shall be provided privacy for the collection of a urine sample.
 - b. The youth shall be kept under supervision throughout the screening process to ensure the integrity of the screen. The youth shall be allowed to provide a specimen in the privacy of a stall or otherwise partitioned area that allows for privacy.
 - c. In the following circumstances the youth may be directed to provide a urine specimen to a private physician, lab, or community health center within two (2) hours:
 - i. The individual has altered or substituted a specimen in the past.
 - ii. A previous urine sample was determined by the laboratory to have creatinine levels outside the normal range.
 - iii. There is reason to believe the individual may alter or substitute a specimen.

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- iv. The individual has screened positive and is now screening as part of a graduated response.
 - v. The JSW observes conduct clearly indicating an attempt to substitute or alter the urine specimen.
 - vi. The urine specimen falls outside the normal temperature range and a second screen is necessary.
- 4. Confidentiality
 - a. The JSW and the laboratory involved in any aspect of the drug screening or testing program shall be required to maintain strict standards of confidentiality, as required by law.
 - b. Drug screening shall take place in a private setting. No other youth shall be present during any part of the procedure.
- 5. Collecting Specimen
 - a. Integrity of Specimen
 - i. A JSW shall be trained to carry out the drug screening procedures.
 - ii. Protective gloves shall be worn by the staff at all times during the collection process.
 - iii. The staff shall provide a collection cup to each youth to be screened.
 - iv. The staff shall take the following precautions, if applicable:
 - a) Place bluing agents in the toilet tanks;
 - b) Instruct the individual to thoroughly wash and dry their hands prior to urination;
 - c) Instruct youth to remove all unnecessary garments that could be used to conceal, such as coats, jackets, sweaters, purses, hats, backpacks, or briefcases, or any other personal items, are left outside the collection area; and
 - d) Instruct youth that any substances that could be used to alter the urine specimen are left outside the collection area.
 - v. After the youth has produced a sufficient amount of urine, the certified community staff shall collect the urine specimen.
 - vi. In the presence of the youth, the staff shall verify the appropriate temperature of the specimen within four (4) minutes of the sample being provided using the thermometer strip on the bottom of the collection cup. The specimen shall be within the temperature range of ninety (90) to one hundred (100) degrees Fahrenheit.
 - b. If the youth cannot produce a valid specimen within a reasonable time frame (two (2) hours), they may be subject to graduated sanction.
- I. Conducting the drug screen:
 - 1. The JSW shall utilize the screening strips provided by the test kit provider to perform the preliminary drug screen.

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2. If the specimen screens negative, the specimen shall be discarded.
 3. If the drug screen is positive, the youth shall be asked to sign a statement acknowledging that he or she has been using drugs and the results of the drug screen is accurate. This written statement shall not be coerced and shall be provided by the youth voluntarily.
 4. If the youth acknowledges the positive results of the screen and signs the statement, the DJJ staff person shall address the positive drug screen. The confirmation test shall not be required.
 5. If the youth disagrees with and does not acknowledge the results of the drug screen, the confirmation test shall be conducted using an independent laboratory. The JSW shall prepare the specimen for processing according to the independent laboratory's instructions.
- J. The process for the confirmation test shall be followed as directed by the independent laboratory responsible for conducting the test.
- K. The confirmation process is as follows:
1. An independent laboratory shall perform the confirmation test on disputed results;
 2. Samples testing positive after both the screen and confirmation tests shall be considered positive for the purpose of retaining the specimen;
 3. Samples testing negative after the confirmation test shall be considered a negative result;
 4. Positive samples shall be retained according to the policy of the independent laboratory;
 5. The laboratory shall report which substance, or substances, the urine sample tested positive for, if any.
- L. The notification process shall be as follows:
1. Test results shall be reported to the Medical Review Officer (MRO) within five (5) business days of receipt of the specimen, excluding weekends and holidays.
 2. Results shall be transmitted to the MRO in a manner designed to ensure confidentiality of the information.
 3. The MRO shall notify the Community designee of the test results.
 4. The Community designee shall notify the responsible JSW. The JSW shall notify the youth of the results within one (1) business day and schedule a meeting to review any positive results within forty-eight (48) hours, excluding holidays or weekends, of the MRO's receipt of the results. The meeting shall serve as an opportunity for the JSW to discuss the test results with the youth, for the youth to provide any additional information that would influence the test results, and to notify youth of appropriate sanctions, if appropriate.

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M. Requesting Additional Confirmation Testing:

Youth shall be allowed to request that the sample submitted for testing and sent to DJJ's contract vendor be tested through a vendor of their own choosing after notification of a positive drug test. They shall provide a written request to the contract vendor requesting the test sample be sent to a vendor of their choice and the additional confirmation testing shall be completed at the youth's expense.

N. If a drug screen indicates a positive result and the youth has not previously tested positive, treatment alternatives shall be considered as a graduated response.

V. STAFF TRAINING

The Juvenile Services District Supervisor shall ensure that all community staff are trained on the following:

- A. The drug screening vendor training curriculum, as needed; and
- B. Departmental drug screening and testing procedures, annually.

VI. MONITORING MECHANISM

The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch shall develop monitoring protocols.